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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/339,869	06/25/1999	JUN KOIDE	35.C13613	3159

5514 7590 02/10/2004

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30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER

TUGBANG, ANTHONY D

ART UNIT	PAPER NUMBER
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3729

DATE MAILED: 02/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

57

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/339,869	KOIDE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	A. Dexter Tugbang	3729	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 November 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 and 5-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Continued Examination***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/13/03 has been entered.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 102***

3. Claims 1-3, 6-10 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated Nishiwaki et al 5,263,250.

Nishiwaki discloses a method of processing an ink discharge port for manufacturing an ink jet head comprising: closely contacting a mask plate 8 (see col. 5, lines 55-57) having openings corresponding to discharge ports on a discharge port plate 12 with a face of the discharge port plate on an ink discharge side (see col. 4, lines 57+); and forming the discharge port on the discharge port plate by irradiating a high energy ultraviolet excimer laser simultaneously through the mask plate so that the laser is inclined with respect to a vertical axis that is perpendicular to the mask plate (see Fig. 3 and col. 5, lines 45-50).

With respect to the recitation of the "single discharge port position", it is noted that in Figure 3 of Nishiwaki, the discharge port plate 12 has a left surface area that can be broadly read

Art Unit: 3729

as the “single discharge port position”. From Figure 3, Nishiwaki clearly shows that the plural beams are simultaneously irradiated at a “single discharge port position” (left surface area of plate 12) to form at least one the discharge ports and are incident at the discharge port position from different directions.

In Figures 1 and 3 of Nishiwaki, the discharge ports eventually form a shape, which is widened to a dimension or direction away from a source 2 of the beams and these beams approach the discharge port plate 12 to a particular region from different directions.

With regards to Claims 2, 3, 8 and 9, Nishiwaki further teaches that the symmetry of incident beams are clearly symmetrical, have the same angle, and are equally divided with respect to a vertical X-axis (shown in both Figures 2 and 3). Further regarding Claims 3 and 9, Nishiwaki additionally teaches a division of beams that is within a “circumference of a circle” as indicated by the circle in Figure 4.

With respect to Claim 7, Nishiwaki further teaches that the discharging port forming step of forming the discharging ports by irradiating high energy beams simultaneously can be performed after the discharge port plate, i.e. nozzle plate, is bonded or fastened to an ink jet main body (see col. 6, lines 64-68).

With respect to Claim 10, Nishiwaki shows (in Fig. 2) that the high ultraviolet beams comprise of at least two beams with each being inclined symmetrically with respect to the vertical X-axis of the mask plate 8 and are incident upon the mask plate in a direction at right angles to an axis along an arrangement direction of the discharge ports. It is noted that the “arrangement direction” can be any direction selected such that it would be at right angles incident from the mask plate.

***Claim Rejections - 35 USC § 103***

4. Claims 5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishiwaki.

Nishiwaki discloses the claimed manufacturing method as relied upon above, further including that the high ultraviolet beams comprise of at least four beams (see Fig. 2). However, to choose any desired specific angle of irradiation of the incident beams in relationship to the arrangement direction of the discharge port is an obvious matter of design choice, since the applicants have not disclosed that the claimed *angle of 45 °* solves any stated problem or is for any particular purpose, and it appears that the invention would perform equally well with the various angles of incident beams taught by Nishiwaki'250.

5. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishiwaki'250 in view of Japanese Patent Publication JP 2-187346, referred to hereinafter as JP'346.

Nishiwaki discloses the claimed manufacturing method as relied upon above. Nishiwaki does not teach that 1) the ink flow paths are rectangular in shape, and 2) that the discharge port plate is formed by a material of resin.

JP'346 shows an ink jet head in which corresponding ink flow paths 14 (in Fig. 9) are rectangular in shape and are connected to a discharge port plate 10. JP'346 teaches that the discharge port plate is made of a resin material, which is ablated by laser beams to form the discharge ports 11, and that the rectangular ink flow paths 14 are formed by the laser beams after the discharge ports are formed (see Purpose). An advantage of the above process and material

Art Unit: 3729

provides the necessary amount of jet-out speed for the ink drops onto a medium, i.e. paper (again, see Purpose).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Nishiwaki by forming the ink flow path rectangular in shape and the discharge port plate with a resin material, as taught by JP'346, to positively provide an operational ink jet head with the necessary amount of jet-out speed for the ink drops onto the medium.

6. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nishiwaki in view of Muto 5,548,894, referred to hereinafter as Muto'894.

Nishiwaki discloses the claimed manufacturing method as relied upon above. Nishiwaki does not teach that the discharge port plate is formed of silicon nitride.

Muto'894 teaches that forming discharge port plates (nozzle plate 61) can be accomplished by conventional, art recognized equivalent materials of either resin or silicon nitride (see col. 25, line 55 to col. 26, line 16). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have formed the discharge port plate of Nishiwaki, alternatively, with such conventional, art recognized equivalent materials with compositions of either resin or silicon nitride, to produce equivalent art recognized discharge port plates.

### ***Response to Arguments***

7. Applicant's arguments filed 10/16/03 (Paper No. 21) have not been deemed to found as persuasive.

Art Unit: 3729

In regards to the merits of Nishiwaki et al, the applicants' contend that Nishiwaki does not teach that plural beams are simultaneously irradiated at a single discharge port position of a discharge port plate to form a discharge port and that the beams are incident from the single discharge port position from different directions.

Being that Nishiwaki shows a discharge port plate 12 and that the left surface area of the plate facing the laser source (as shown in Fig. 3) can be broadly read as the "discharge port position", these limitations are fully satisfied by Nishiwaki as explained in the rejection set forth above.

In response to applicant's arguments against the references individually, particularly JP'346 and Muto, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

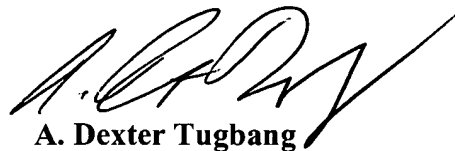
### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to A. Dexter Tugbang whose telephone number is 703-308-7599. The examiner can normally be reached on Monday - Friday 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 703-308-1789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3729

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'A. Dexter Tugbang', with a stylized flourish at the end.

**A. Dexter Tugbang**  
**Primary Examiner**  
**Art Unit 3729**

February 6, 2004